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October 5, 2001

Ms. Magalie Salas, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

**Re: ET Docket No. 98-153 -- Revision of Part 15 of the Commission's Rules Regarding  
Ultra-Wideband Transmission Systems  
*Ex Parte Communication***

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, on behalf of XtremeSpectrum, Inc., I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, Martin Rofheart of XtremeSpectrum, Inc., Michele C. Farquhar, Esq., and Ari Q. Fitzgerald, Esq., of Hogan & Hartson, L.L.P., and I met with Monica Desai and Rob Swanson of Commissioner Martin's staff. We distributed copies of a presentation substantially identical to that filed in the docket on August 15, 2001, and reiterated positions XtremeSpectrum has previously stated in this proceeding.

We emphasized the following points:

- ***Prompt action needed.*** Prompt Commission action is necessary if consumers are to enjoy the benefits of ultra-wideband. One U.S. company (of four) has already folded due to regulatory delay. Others are unable to attract new investment until rules are adopted.
- ***No Further Notice.*** A Further Notice is unnecessary to protect other users. All regulatory options presently under consideration were expressly raised in the NPRM.
- ***No public safety limitation.*** Initial rules must not be limited to public safety applications. Public safety users, like all others, will benefit from the extensive engineering and plant investment that only consumer applications can support.

- ***Rely on OET.*** OET and NTIA are continuing to negotiate technical limits for ultra-wideband. If they ultimately fail to agree, the Commission should support OET's recommendations. OET has done a thorough and careful job of ensuring protection to other users of the spectrum.
- ***Let good technology succeed.*** XtremeSpectrum has expended substantial resources to perfect a technology that coexists harmlessly with other spectrum users. XtremeSpectrum also has made the technology flexible enough for nearly all of the regulatory proposals now under consideration. It would be a perverse outcome for the Commission to refrain from adopting workable rules simply because other ultra-wideband proponents may not be able to manufacture a safe product.

If there are any questions about this submission, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus  
Counsel for XtremeSpectrum, Inc.

cc: Meeting participants